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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/817,254

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Naohito Takae

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10/05/2006

STAAS & HALSEY LLP

SUITE 700

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/817,254	TAKAE ET AL.	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,8,10,12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,10,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6, 8, 10, 12, and 14 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's failure to adequately traverse facts Officially noticed in the previous Office action is treated as an admission of the facts so noticed.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 8, 10, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind (of record) in of Hirata, U.S. Patent No. 6,925,567.

Regarding claims 1, 6, 8, 10, 12, and 14, Susskind discloses a control information management system (fig. 2), corresponding method, corresponding computer readable medium storing procedures comprising a program, and corresponding server that collectively manages control information (scheduled recording reservations, ¶¶ 35-36) for controlling a control object (recording hardware as disposed in recording device 20, ¶ 29), the control information management system comprising (as applied to aforementioned corresponding forms): a control information producing unit (Internet Remote Control Host Server 24) that produces the control information (scheduled recording settings) in compliance with an instruction from a user (¶¶ 12, 16); a control

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information alteration unit (24) that collects alteration information (changes to account settings) for altering the control information, and alters the control information (i.e., scheduled recordings) in accordance with the alteration information (§§ 35-36); a control information transmission unit (24) that transmits the control information (§0038) via a network (Internet 22, described in reference to Internet 11 and analogous components, fig. 1, §0031); a control information reception unit (20) that receives the transmitted control information (§0038); a control unit (20) that selects a control object (i.e., recording hardware and associated components as disposed in recording device 20, §0029) corresponding to the received control information, and controls the selected control object in accordance with the received control information (§0049, as applied to analogous elements in fig. 2).

Susskind fails to disclose the alteration information is unknown to a user; sending a message via email to the mobile communication terminal, said message including a request for permission to alter the control information; and altering the control information in response to permission sent from the mobile communications terminal.

In an analogous art, Hirata discloses receiving alteration information unknown to the user (i.e., the authorized user); sending a message via email to a remote communication terminal of the user (col. 10, l. 60 - col. 11, l. 8), said message including a request for permission to alter the control information (requesting confirmation of recording reservation, col. 11, ll. 2-8); and altering the control information in response to permission sent from the mobile communications terminal (setting recording reservation to fixed state, col. 11, ll. 16-26, col. 13, ll. 17-29, col. 14, ll. 37-45), thereby preventing unauthorized control of the recording device (col. 15, ll. 13-15).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Susskind such that when alteration information unknown to a user is received, an email requesting permission to alter the control information is sent to the user's mobile

communication terminal and the control information is altered accordingly, in response to permission received from the mobile terminal, as taught by Hirata, in order to prevent unauthorized users from altering the authorized user's scheduled recordings.

As to claims 2 and 3, Susskind in view of Hirata discloses the method as described in claim 1, wherein altering the control information comprises: collecting alteration information (see above); requesting permission to alter the control information after notifying a user that the control information needs to be altered based on the collected alteration information (i.e., after notifying user of temporary recording reservation; Hirata, col. 11, ll. 2-8); and altering the control information upon receipt of the permission from the user (see above).

As to claim 4, Susskind in view of Hirata discloses the method as claimed in claim 1, but fails to disclose the step of notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the control object after the transmission of the control information to the control object.

Official notice is taken of the fact that it is well known in the art to notify a user when a device to be controlled fails to respond to control information in an expected manner for the purpose of informing the user that a desired task may not be carried out due to technical problem and thus enabling the user to take appropriate action.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Susskind in view of Hirata to include notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the

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control object after the transmission of the control information to the control object, for the benefit of providing a more user-friendly scheduled recording interface.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2623

cml



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**